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Response under 37 C.F.R. § 1.116
Expedited Procedure
Examining Group 2132

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2/10

PATENT
ATTORNEY DOCKET: 041465-5111

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) Confirmation No.: 3429
Yoshiaki MORIYAMA et al.)
Application No.: 09/851,391) Group Art Unit: 2132
Filed: May 9, 2001) Examiner: Benjamin E. Lanier
For:) **Mail Stop AF**
COPYRIGHT PROTECTING)
METHOD, RECORDING METHOD,
RECORDING APPARATUS,
REPRODUCTION METHOD AND
REPRODUCTION APPARATUS

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Window, Mail Stop AF
Alexandria, VA 22314

Sir:

**NOTICE OF APPEAL TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner dated June 9, 2005, finally rejecting claims 1-3, 5-7, 12-14, 19, 22, 25, 27, 28 and 30.

1. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

12/12/2005 JADD01 00000039 09851391

01 FC:1401 \$500.00 OP
02 FC:1253 1020.00 OP

- ☐ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition and fee for extension of time.

- ☒ Applicant requests an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 450.00	\$ 225.00
<input checked="" type="checkbox"/> three months	\$ 1,020.00	\$ 510.00
<input type="checkbox"/> four months	\$ 1,590.00	\$ 795.00

If an additional extension of time is required, please consider this a Petition therefore.

2. Notice of Appeal Fee – 37 C.F.R. § 41.20(b)(1)

- ☒ The fee in the amount of \$500.00 to cover the Notice of Appeal fee is enclosed.
- ☐ The Commissioner is authorized to charge the Notice of Appeal fee of \$500.00 to Deposit Account No. 50-0573.

3. Fee Payment

- ☒ Check No. 35086 in the amount of \$1,520.00 (in payment of the three-month extension of time fee of \$1020.00 and a Notice of Appeal fee of \$500.00) is enclosed.
- ☐ The Commissioner is authorized to charge Deposit Account No. 50-0573 in the amount of _____ for the Notice of Appeal fee.

4. Constructive Petition

- ☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit

any overpayment to Deposit Account 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

DRINKER, BIDDLE & REATH LLP

Dated: December 9, 2005

By: 

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